

Message Text

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TO SECSTATE WASHDC IMMEDIATE 6326
INFO AMEMBASSY MOSCOW
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AMEMBASSY PARIS
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C O N F I D E N T I A L SECTION 1 OF 3 OSLO 3997

E.O. 11652: GDS
TAGS: PBOR, EFIS, NO, UR
SUBJECT: EVENSEN RETURNS WITH SLIM RESULTS FROM MOSCOW TALKS ON
SVALBARD

1. SUMMARY: AS PREDICTED, NORWEGIAN LOS MINISTER EVENSEN
RETURNED FROM A TWO-DAY VISIT TO MOSCOW AUGUST 16TH WITH LITTLE
TO SHOW FOR HIS EFFORTS. THE SOVIETS CONTINUE TO HAVE PROBLEMS WITH
THE NORWEGIAN REGULATIONS FOR REPORTING WITHIN THE SVALBARD
FISHERIES PRESERVATION ZONE; THEY APPEAR ADAMANT IN THEIR REFUSAL
TO ALLOW NORWEGIAN ENFORCEMENT OF THE REGULATIONS. A NEW ROUND
OF TALKS IS SCHEDULED FOR OCTOBER 16 IN OSLO. END SUMMARY.

2. UNDERSECRETARY OF STATE FOR LAW OF THE SEA MATTERS ARNE
TREHOLT BRIEFED THE CHARGE AUGUST 17TH ON THE RESULTS OF LOS
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MINISTER EVENSEN'S LATEST ROUND OF TALKS IN MOSCOW. EVENSEN HAD
LED A NORWEGIAN DELEGATION TO MOSCOW AUGUST 14-16 TO HAVE FURTHER
TALKS WITH THE SOVIETS ABOUT THE SVALBARD FISHERIES
PRESERVATION ZONE (FPZ).

3. ACCORDING TO TREHOLT, THE TWO-DAY TALKS IN MOSCOW CONCEN-
TRATED ON TWO PROBLEMS RELATED TO THE FPZ -- REPORTING

AND ENFORCEMENT. IN GENERAL, THE SOVIETS PRESSED HARDER ON MATTERS OF PRINCIPLE THAN THEY HAD IN MARCH, ON QUESTIONS OF INTERNATIONAL LAW AND ESPECIALLY ON ENFORCEMENT. THE ISSUE OF REPORTING WAS, RELATIVELY SPEAKING, IN THE BACKGROUND, THOUGH IT HAD BEEN CENTRAL IN THE MARCH TALKS (OSLO 1624). TREHOLT SPECULATES THAT THIS SHIFT IN EMPHASIS MAY BE DUE TO THE FACT THAT THE SOVIETS NOW HAVE BEGUN TO SEE OTHER THAN FISHERIES INTERESTS INVOLVED IN THE TALKS AND THEY HAVE, THEREFORE, BROADENED THEIR PROTESTS OVER THE NORWEGIAN PLANS. THIS HE CONSIDERS WAS SIMILAR TO THE TACTICS THE NORWEGIANS ENCOUNTERED WHEN ESTABLISHING THE CONTROVERSIAL GREY ZONE LAST YEAR.

4. REPORTING REQUIREMENTS: ACCORDING TO TREHOLT THE SOVIETS STATED CLEARLY THAT THEY HAD NO PROBLEM WITH THE IDEA OF REPORTING AS SUCH. THEIR PROBLEM, RATHER, WAS THE AREA FROM WHICH THEY WERE REQUIRED TO REPORT. THE SOVIET SIDE EXPLICITLY STATED THAT IT FEARED PREJUDICING THE SOVIET PRINCIPLE OF THE SECTOR LINE AS THE DELIMITATION OF THE BOUNDARY LINE BETWEEN THE TWO COUNTRIES. (NOTE: THE FPZ AS DECLARED BY THE NORWEGIAN GOVERNMENT UNDER NORWEGIAN LAW, ENCOMPASSES AN AREA PROJECTING 200 MILES OUT FROM THE SVALBARD ISLANDS. THE ZONE, THEREFORE, OVERLAPS TO THE EAST THE SOVIET BOUNDARY CLAIM OF THE SECTOR LINE, CREATING A DISPUTED AREA EAST OF THE SECTOR LINE OF SOME 120 THOUSAND SQUARE KILOMETERS.) NONETHELESS, THE SOVIETS HAD INDICATED THAT, AT LEAST UNTIL

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THE NEXT BILATERAL TALKS ON THIS SUBJECT, THEY MIGHT PROVIDE THE NORWEGIAN WITH A MONTHLY REPORT ON SOVIET CATCHES IN THE GENERAL AREA OF THE FPZ. UNDER THIS PROPOSAL THE SOVIETS WOULD GATHER THEIR STATISTICS FROM THE SOVIET SHIPS AND GIVE THEM ON A GOVERNMENT-TO-GOVERNMENT BASIS TO THE GON. THEY WOULD APPARENTLY BASE THEIR REPORTS ON THE NEAFC STATISTICAL AREAS IN THE BARENTS SEA.

5. IN RESPONSE TO THE CHARGE'S QUESTION, TREHOLT CONFIRMED THAT THE SOVIETS WERE STILL NOT WILLING TO REPORT THE ENTRY OR EXIT OF SOVIET VESSELS INTO OR OUT OF THE FPZ NOR WERE THEY WILLING TO REPORT ON A SHIP-BY-SHIP BASIS AS REQUIRED UNDER THE NORWEGIAN FPZ REGULATIONS.

6. IN RESPONSE TO THESE SOVIET STATEMENTS THE NORWEGIAN SIDE STRESSED THE VERY DELICATE NATURE OF THIS PROBLEM FOR THEM BECAUSE OTHER COUNTRIES (SPECIFICALLY THE C) MIGHT BECOME HESITANT TO OBEY THE FPZ REGULATIONS IF THEY PERCEIVE THAT ONE COUNTRY WAS NOT OBEYING THEM. THE NORWEGIANS SAID IT WAS POSSIBLE THAT THIS COULD LEAD THIRD PARTIES TO DISOBEY THE REGULATIONS AND TO UNREGULATED FISHING TAKING PLACE IN THE ZONE'S AREA, SOMETHING WHICH THE NORWEGIANS STRESSED WAS IN NO ONE'S

INTERESTS -- SOVIET, NORWEGIAN OR OTHER. (NOTE: THE NORWEGIANS WERE REFERRING TO THE EC'S PROTEST NOTE OF JUNE 1 WHICH IN EFFECT SAID THE EC WOULD PLAY ALONG ON THE FPZ ONLY IF IT WAS FUNDAMENTALLY NON-DISCRIMINATORY. OSLO 3853).

7. EVENSEN ALSO TOLD THE SOVIETS THAT THE NORWEGIAN GOVERNMENT WILL CONTINUE TO SEND MONTHLY REPORTS ON THE CATCHES MADE WITHIN THE ZONE TO THE SOVIETS AND OTHER FISHING PARTIES. HE ALSO MADE CLEAR THAT IF THE SOVIETS DO PROVIDE MONTHLY REPORTS TO THE NORWEGIANS, THEIR FIGURES WOULD ALSO BE SHARED WITH THIRD COUNTRIES. TREHOLT CONCLUDED BY SAYING THAT IT IS THE NORWEGIANS' HOPE THAT SOMETHING COULD BE WORKED OUT ON THE REPORTING ISSUE, WITH THE SOVIETS PERHAPS BEGINNING
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TO REPORT MONTHLY CATCHES WITH THE MONTH OF AUGUST.

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8. ENFORCEMENT: TREHOLT CHARACTERIZED THE ISSUE OF ENFORCEMENT AS "THE MAIN PROBLEM OF THE TALKS." HE SAID EVENSEN FIRST RAISED THE PROBLEM OF THE SOVIET VIOLATIONS WHICH HAD BEEN DETECTED EARLIER THIS SUMMER (OSLO 3613). ON THIS SPECIFIC SUBJECT THE NORWEGIANS RECEIVED WHAT TREHOLT CHARACTERIZED AS A "POSITIVE RESPONSE" SINCE THE SOVIETS PROMISED THAT WHEN THE OFFENDING SOVIET VESSELS RETURNED TO HARBOR, SOVIET AUTHORITIES WOULD INVESTIGATE, WOULD PUNISH SKIPPERS FOUND GUILTY ACCORDING TO SOVIET LAW AND WOULD INFORM THE GON ABOUT THEIR FOLLOWUP. THE SOVIETS ALSO SAID THAT THEY BELIEVED THAT SOVIET SKIPPERS WOULD HAVE TO TRY TO COPE WITH THE "GENERAL REGULATIONS" COVERING MESH SIZE IN THE ARE (NOTE: UNDER PREVIOUS NEAFC REGULATIONS, NOW EMBODIED AS NORWEGIAN NATIONAL LAW, THE MESH SIZE IS RESTRICTED TO 125 MILLEMETERS).

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9. EVENSEN THEN STRESSED TO THE SOVIETS THAT THE NORWEGIAN GOVERNMENT WOULD CONTINUE ITS "LENIENT ENFORCEMENT" OF THE FPZ. THE GON HAD NO INTENTION OF SHARPENING THIS ENFORCEMENT. NOR DID IT INTEND TO LIFT THE ENFORCEMENT ALTOGETHER. EVENSEN NOTED THAT IN THE ESTABLISHMENT OF THE ECONOMIC ZONE AROUND THE NORWEGIAN MAINLAND, THE NORWEGIANS HAD PUT IN TO EFFECT A ONE-YEAR PROGRAM OF LENIENT ENFORCEMENT. HE STATED IT WOULD BE NATURAL TO THINK ABOUT A SIMILAR PERIOD IN RESPECT TO THE FPZ.

10. THE SOVIETS STRONGLY OBJECTED TO EVENSEN'S PRESENTATION, SAYING IF NORWAY CONTINUED TO CONTROL AND INSPECT SOVIET SHIPS IN THE AREA SITUATIONS COULD OCCUR THAT WOULD BE HARMFUL FOR BOTH COUNTRIES. THE SOVIETS SPECIFICALLY ASKED TWO OR THREE TIMES WHETHER THE NORWEGIANS COULD REFRAIN FROM ADDITIONAL INSPECTION AND CONTROL UNTIL THE NEXT ROUND OF TALKS IN OCTOBER. EVENSEN SAID FLATLY THERE WAS NOT A CHANCE THE GON WOULD DO THIS. HE STATED THAT IF ADDITIONAL SOVIET VESSELS WERE FOUND VIOLATING THE REGULATIONS, THE NORWEGIANS WOULD TAKE THE MATTER UP THROUGH NORMAL DIPLOMATIC CHANNELS, THOUGH THE GON HOPED BOTH SIDES WOULD BE ABLE TO AVOID DIPLOMATIC PROTESTS IN THE FUTURE.

11. THE SOVIETS ALSO TOOK UP A PROPOSAL WHICH THEY HAD INFORMALLY FLOATED DURING TWO PREVIOUS ROUNDS OF TALKS WITH THE NORWEGIANS. THIS WAS THAT IF THE NORWEGIANS WOULD AGREE TO RESTRICT THE FPZ TO THE SO-CALLED "SVALBARD BOX", THE SOVIET SIDE WOULD BE WILLING TO ABIDE BY THE REGULATIONS. EVENSEN TOLD THEM THIS WAS UNACCEPTABLE TO THE NORWEGIAN SIDE. TREHOLT NOTED THAT IT WOULD MEAN THE NORWEGIANS GIVING UP THE PRINCIPLE THAT THE ZONE HAS BEEN ESTABLISHED UNDER NORWEGIAN LAW AND NOT UNDER THE TREATY.

MOREOVER, SINCE THE BOX FOLLOWS THE SECTOR LINE IN THE EAST,
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THE NORWEGIANS FEAR THAT THE PROPOSAL WOULD PREJUDICE
THE NORWEGIAN POSITION ON THE BOUNDARY.

12. IN RESPONSE TO THE CHARGE'S QUESTION, TREHOLT STATED
THAT SINCE THE SOVIET PROTEST OF JULY 18TH, THE NORWEGIANS HAD
CONDUCTED SEVEN INSPECTIONS OF SOVIET VESSELS. NONE OF THESE
VESSELS WERE FOUND TO BE VIOLATING THE MESH SIZE RESTRICTIONS.
OF COURSE ALL SEVEN WERE VIOLATING THE REQUIREMENT TO REPORT
THEIR ENTRY AND EXIT INTO AND OUT OF THE FPZ AND NONE OF THEM
HAD REPORTED THEIR CATCHES UNDER THE FPZ REGULATIONS.

13. TREHOLT ALSO GAVE ADDITIONAL BACKGROUND ON THE PROBLEM
OF THE JOURNALISTS NOT GETTING VISAS TO COVER EVENSEN'S TRIP
(OSLO 3932). HE STATED HE BELIEVED THE PROBLEM WAS A BUREAUCRATIC
MISTAKE ON THE SOVIET SIDE AND WAS NOT INTENTIONAL. "IT WOULD
BE RIDICULOUS IF IT WERE INTENTIONAL" HE SAID SINCE IT WOULD
PLAY, AS IT HAS, AGAINST THE SOVIETS' INTERESTS IN THE EYES OF
THE NORWEGIAN PUBLIC. THE PROBLEM WAS THAT THE ISSUE HAD NOT COME
TO THE FOREIGN MINISTRY'S ATTENTION UNTIL LATE ON FRIDAY
AUGUST 11TH, TOO LATE APPARENTLY FOR THE SOVIET EMBASSY
IN OSLO TO WEIGH IN WITH THE FOREIGN MINISTRY TO GET
THE APPROPRIATE VISAS AND HOTEL RESERVATIONS. TREHOLT SAID THE HEAD
OF THE SOVIETS SCANDINAVIAN DESK, WHO WAS PRESENT AT
WEDNESDAY'S WORKING LUNCH, HAD APOLOGIZED TO HIM FOR THE
CONFUSION, STATING THAT THE SOVIET MFA HAD BEEN UNAWARE
OF THE PROBLEM UNTIL IT WAS TOO LATE TO HELP.

14. CHARGE NOTED THAT THE NORWEGIAN PRESS IN ITS SCANT
REPORTS AUGUST 17TH APPEARED TO BE STATING THAT THE SOVIETS
HAD MADE AN EXPLICIT LINKAGE OF THE UNRESOLVED BORDER PROBLEM
WITH THEIR DIFFICULTIES WITH THE FPZ. TREHOLT STATED THAT
HE BELIEVED THE PRESS COVERAGE WAS SOMEWHAT DISTORTED BECAUSE
EVENSEN HAD STRESSED THIS CONNECTION IN HIS BRIEF STATEMENT
TO THE PRESS UPON ARRIVAL BACK IN NORWAY AUGUST 16. TREHOLT DID NOT
DETECT A NEW SOVIET EMPHASIS ON THIS LINKAGE IN MOSCOW.

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15. AT SAME TIME, TREHOLT STATED THAT THE SOVIETS HAVE THREE BASIC CONCERNS WITH THE ONGOING FPZ TALKS. FIRST THE SOVIETS FEAR THAT CONTINUING INSPECTIONS IN THE ZONE MAY INDIRECTLY RESULT IN SOVIET RECOGNITION OF NORWEGIAN SOVEREIGNTY IN THE AREA. SECOND THE SOVIETS ARE AFRAID THAT THE NORWEGIANS MAY CONDUCT INSPECTIONS IN THE DISPUTED AREA EAST OF THE SECTOR LINE WHICH COULD CREATE SERIOUS INCIDENTS. (NOTE: TREHOLT SAID THIS WAS UNLIKELY SINCE MOST OF THE FISHING IS WITHIN THE SVALBARD BOX AREA). THIRD, SOVIETS CLEARLY FEAR "CREEPING JURISDICTION" AND ARE CONCERNED THAT AS A GENERAL RULE ECONOMIC ZONES WILL TEND TO BECOME TERRITORIAL SEAS IN THE YEARS AHEAD. THIS, OF COURSE, IS A SOVIET CONCERN WITH THE NORWEGIAN MAINLAND ZONE AS WELL AS THE FPZ. IN RESPONSE TO THE CHARGE'S QUESTION, TREHOLT SAID THAT THE SOVIETS HAD MAD THESE THREE CONCERNS VERY CKEAR TO THE NORWEGIANS OVER A
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PERIOD OF MONTHS IN INFORMAL BUT VERY DIRECT COVERSACTIONS
IN BOTH MOSCOW AND OSLO.

16. TREHOLT SAID THE NEXT ROUND OF TALKS IS SCHEDULED FOR OCTOBER 16TH, ONE WEEK BEFORE THE REGULAR SEMI-ANNUAL MEETING OF THE SOVIET-NORWEGIAN FISHERIES COMMISSION. HE NOTED THAT SOVIET FISHERIES MINISTER ISHKOV WAS VERY ILL DURING THE RECENT TALKS IN MOSCOW, HAVING APPARENTLY RETURNED FROM A MONTH LONG HOSPITALIZATION FOR HEART TROUBLE. HE WAS VISIBLY WEAKENED BY THE TWO-HOUR NEGOTIATING SESSION ON AUGUST 15TH, TREHOLT SAID. IT IS THUS UNCLEAR WHETHER ISHKOV HIMSELF WILL BE LEADING THE OCTOBER 16TH DELEGATION.

17. TREHOLT SAID THAT SINCE EVENSEN HAS STILL NOT BRIEFED THE GOVERNMENT ON THE TALKS, IT IS TOO EARLY TO ASSESS THE OUTLOOK FOR THE OCTOBER TALKS. HE ADMITTED THAT EVEN IF THE SOVIETS DO COME UP WITH AN INTERIM SOLUTION TO THE REPORTING EILEMMA, THAT WILL NOT RESOLVE THE MORE FUNDAMENTAL PROBLEM OF ENFORCEMENT.

18. COMMENT: IN THE COMING DAYS WE WILL CONTACT OTHER SOURCES TO BRAODEN OUR UNDERSTANDING OF THE TALKS. WE DO HAVE TWO PRELIMINARY OBSERVATIONS, HOWEVER. ON THE REPORTING QUESTION, WE MAY BE SEEING AN EXTENSION OF THE WISHFUL THINKING WHICH HAS REPEATEDLY CHARACTERIZED THE VIEW OF EVENSEN AND HIS COTORIE OVER THE PAST YEAR. TIME ALONE WILL TELL WHETHER THE SOVIETS ARE WILLING TO FIND A WAY OUT OF THIS SELF-IMPOSED DILEMMA. ENFORCEMENT PRESENTS THE NORWEGIAN GOVERNMENT WITH A MORE SERIOUS ISSUE. WE BELIEVE IT WILL BE HARD FOR THE GON TO EASE ANY FURTHER ITS ALREADY LENIENT ENFORCEMENT IN THE FPZ, GIVEN THE PROBLEMS THAT WOULD CREATE AMONG THE NORWEGIAN FISHING COMMUNITY AND AGAINST THE BACKGROUND OF HEARTY NON-SOCIALIST CRITICISM

OF THE GON'S HANDLING OF THE RECENT SERIES OF
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SOVIET SHIP INCIDENTS. IN ANY EVENT, WHAT SEEMS TO BOTHER THE SOVIETS IS NOT SO MUCH THE INSPECTIONS, SINCE THE NORWEGIANS HAVE SUCCESSFULLY CARRIED OUT SEVEN SINCE THE SOVIET PROTEST OF JULY 18TH, BUT GETTING CAUGHT VIOLATING THE MESH REGULATIONS. SO THE SOVIETS' BEST BET NOW MAY BE TO INSTRUCT THEIR CAPTAINS VIGOROUSLY TO OBEY THE MESH SIZE REGULATIONS AND HOPE THAT THEY DO. EVEN SO SONNER OR LATER ONE OF THEM MAY BE CAUGHT AGAIN VIOLATING THE REGULATIONS AND THE NORWEGIANS WILL THEN BE ON THE HORNS OF A DIPLOMATIC DILEMMA -- TO KEEP THE EC ON BOARD WITH THE FPZ, THE GON WILL HAVE TO PROTEST THE SOVIET VIOLATION; TO PROTEST THE VIOLATION CANNOT HELP OSLO-MOSCOW RELATIONS.
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